

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7529 of 2024

Arising Out of PS. Case No.-28 Year-2006 Thana- TEKARI District- Gaya

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Gautam Kumar Son of Satyendra Singh R/o vill - Khaira, P.S. - Tekari, distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Sharma, Advocate

For the Opposite Party/s : Mr.Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 09-05-2024 Heard learned counsel for the petitioner, learned APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Tekari P.S. case No. 28 of 2006 instituted for the offences under Sections 392 of the Indian Penal Code.

3. Prosecution case, in short, is that three miscreants intercepted the motorcycle of the informant and on the point of pistol, looted mobile phone and motorcycle from the informant and fled away.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. The present case is the case of misuse of privilege of bail earlier granted to the petitioner. Learned counsel further submitted that



earlier, the petitioner was granted bail on 23.09.2006. He further submitted that bail bonds of the petitioner got cancelled on 22.01.2016. He further submitted that the charge has been framed against the petitioner on 08.08.2006. Learned counsel further submitted that thus, there is total period of seven years of misuse of privilege of bail granted to the petitioner. Learned counsel next submitted that currently, the trial is pending at the stage of prosecution evidence. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.07.2023 and has two criminal antecedents. Learned counsel further submitted that petitioner undertakes to abide by any condition(s) imposed by this Court, if released on bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner as also the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Tekari P.S. case No.



28 of 2006, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on any date, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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